

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK JONATHAN GOSSETT,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:24-cv-05131-RAJ-GJL

ORDER

THIS MATTER is before the Court on pro se prisoner petitioner Mark Jonathan Gossett's motions and supporting memorandum for relief from judgment. Dkts. # 39-43.¹ On August 21, 2024, the Court adopted Magistrate Judge Leupold's Report & Recommendation, dismissed Gossett's § 2254 habeas petition as time barred, and denied a Certificate of Appealability. Dkt. # 37.

Mr. Gossett's motions for relief from judgment, like his objections to the Report & Recommendation, are difficult to follow, and do not address the substance of the report or

¹ The court exercises its discretion to decide the motion before the October 10, 2024 noting date of the most recently filed Motion, Dkt. # 43. *See* Fed. R. Civ. P. 1 (directing district courts to administer the rules of procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding").

1 the reasoning behind it. Mr. Gossett asks the Court to apply the retroactive analysis set
2 forth in *Teague v. Lane*, 489 U.S. 288 (1989). Dkt. # 39 at 1. Further, Mr. Gossett appears
3 to also challenge the court's de novo review of issues including a motion to suppress,
4 application of 28 U.S.C. § 2244(d), and motion for discovery pursuant to *Brady*. See Dkts.
5 # 40, 41, 43. Petitioner also asserts the doctrine of judicial estoppel as a basis for relief
6 from judgment. See Dkt. # 42. Mr. Gossett also seeks reconsideration of the denial of a
7 Certificate of Appealability in various filings. See Dkt. # 39 at 2; Dkt. # 40 at 2; Dkt. # 41
8 at 2; Dkt. # 43 at 2.

9 Mr. Gossett does not address the authority under which his motion is made, Federal
10 Rule of Civil Procedure 60(b)(4) ("the judgment is void"), and he does not address the
11 standard for a motion for reconsideration. Petitioner provides no factual or legal basis for
12 this request to apply the retroactive analysis set forth in *Teague*. The Court properly
13 conducted review of the motions in this matter and construed them as objections to the
14 Magistrate's Report & Recommendation. See Dkt. # 36 at 1 n.1. The Court's judgment is
15 not void, and Mr. Gossett is not entitled to a Certificate of Appealability, because his habeas
16 petition is plainly time barred. Accordingly, the Court **DENIES** Petitioner's Motion for
17 Relief from Judgment. Dkts. # 39-41, 43.

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DATED this 1st day of October, 2024.



The Honorable Richard A. Jones
United States District Judge